

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NORMA BUTLER,

Plaintiff,

v.

Case No.: 2:20-cv-81-FtM-38NPM

THE NEIMAN MARCUS GROUP
LLC,

Defendant.

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OPINION AND ORDER¹

Before the Court is Defendant The Neiman Marcus Group LLC's Supplemental Memorandum of Law Establishing Amount in Controversy for Jurisdictional Purposes ([Doc. 15](#)). In a previous order, the Court found that Neiman Marcus's only evidence of the amount in controversy—Butler's Response to Requests for Admissions—does not establish the amount in controversy and ordered Neiman Marcus to supplement its Notice of Removal. As explained in the earlier order, an admission is a bald conclusion that does not "relieve the removing party of the obligation to establish facts supporting the existence of federal jurisdiction." ([Doc. 8](#) (quoting *Parrish v. Sears, Roebuck & Co.*, No. 8:10-cv-1684-T-23MAP, 2010 WL 3042230, at *1 (M.D. Fla. 2010))).

Neiman Marcus's supplementary evidence is scant: another copy of Butler's Response to Requests for Admissions and an email from Butler's counsel stating that she had knee surgery. Neiman Marcus argues that Butler's discovery responses should be

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enough, but the Court disagrees. Courts in this district routinely find that similar admissions fall short of satisfying the jurisdictional threshold. See, e.g., [*Ragle v. Black & Decker \(U.S.\) Inc.*, No. 8:19-cv-1259-T-33TGW, 2019 WL 2521847, at *2 \(M.D. Fla. June 19, 2019\)](#); [*Cartegena v. Salson Logistics, Inc.*, 2:18-cv-734-FtM-99MRM, 2018 WL 5874140, at *2 \(M.D. Fla. Nov. 9, 2018\)](#); [*Pugliese v. Texas Roadhouse, Inc.*, 5:17-cv-392-Oc-PRL, 2017 WL 6276589, at *2 \(M.D. Fla. Dec. 11, 2017\)](#). Given the evidence submitted by Neiman Marcus, the Court can only speculate as to the amount in controversy here.

Accordingly, it is now

ORDERED:

- (1) This case is **REMANDED** to the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida.
- (2) The Clerk is **DIRECTED** to transmit a certified copy of this Order to the Clerk of the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida.
- (3) The Clerk is **DIRECTED** to terminate any pending motions and deadlines and close the case.

DONE and **ORDERED** in Fort Myers, Florida this 26th day of February, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record